

July 20, 2011

**SUBMITTED IN ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: EX PARTE NOTICE**

**FCC Docket No. 10-51**

Dear Ms. Dortch:

On July 19, 2011, Kent Charugundla of American Network, Inc. ("ANI") and the undersigned met with Gregory Hlibok, Michael Jacobs and Eliot Greenwald, all of the FCC's Consumer and Governmental Affairs Bureau, regarding the above-captioned matter. The points addressed during the meeting are summarized in the attached presentation, which was distributed at the meeting.

In particular, ANI provided Commission staff with an update – fully reflected in the attached presentation – on its provision of Video Relay Service ("VRS"), Internet Protocol ("IP") Captioned Telephone Service ("IP-CTS") and IP Relay Service. ANI also summarized the comments it submitted in this proceeding on June 1, 2011. Finally, ANI discussed the waiver it requested on May 24, 2011 in this proceeding of the FCC's rules which require the provision of IP addresses to the TRS Fund in requests for reimbursement for IP based TRS services. ANI noted that based on progress in making changes to its system architecture, it expected to be compliant with the new rules within the next twelve months, necessitating only a limited waiver of the rules.

Pursuant to section 1.1206 of the Commission's rules, a copy of this letter and attachment are being filed electronically in the Electronic Comment Filing System ("ECFS") for inclusion in the above-referenced application file and served electronically on the Commission participants in the meeting.

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

BOSTON | WASHINGTON | NEW YORK | STAMFORD | LOS ANGELES | PALO ALTO | SAN DIEGO | LONDON | ISRAEL

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

Marlene H. Dortch

July 20, 2011

Page 2

Please direct any questions regarding this filing to the undersigned.

Sincerely,

*/s/ Russell H. Fox*

Russell H. Fox

Attachment

cc: (each via e-mail and with attachment)

Gregory Hlibok

Michael Jacobs

Eliot Greenwald

# American Network, Inc.

Meeting with FCC Staff

July 19, 2011

FCC Docket 10-51

# Background

- ANI has been certificated by the FCC as a provider of VRS, IP Relay and IP CTS since 2009.
- ANI's IP-CTS service started in 1Q2009 and has been successful in outreach and marketing.
- VRS was slower to achieve traction because it was required to overcome hurdles relating to incumbent providers.
- IP-Relay is stable and continuing.

# Background -IP CTS Improvements

- BlackBerry application released.
- iPhone and Android applications expected to be released 3Q2011.
- Currently have CISCO IP phone option and we are working on a hybrid phone.
- CallerID and DTMF pass through.
- Customers are demanding more wireless and Internet options.

# Background --VRS Improvements

- Current – PC and Mac software clients.
- 4Q2011 – iPad, iPhone and Android options.
- Signup process: Mailing post card system delays.
  - Moving to online address verification.
- Pending discussions with TV manufacturers to add VideoCam with SIP standards to enable users to use any pre-subscribed VRS provider.

# FCC's NPRM

- ANI applauds FCC's attempts to clean up the IP-based TRS industry.
- For too long, it has been characterized by those trying to take advantage of the TRS Fund.
- There have been no consistent certification processes.
- Deaf consumers have not enjoyed the same benefits as hearing consumers because of exclusive equipment arrangements and other attempts to capture customers.

# Certification

- Certification must be Federally-based.
  - The TRS Fund is Federally administered.
  - Federal funds should only be available based on Federal certification or Federally monitored standards.
  - Today, neither exists.
  - There is no Federal assurance that FCC requirements are being followed.
- More Federal TRS Fund revenues for IP-based TRS go to an entity – Sorenson -- never certified by the FCC.



# Certification (cont'd)

- Ownership of facilities/employment of VIs.
  - Provider must have ultimate control over facilities and personnel.
  - “Ownership” of facilities should mean any leasehold interest.
  - If VIs other than the provider’s are used, they must be certified by the FCC.

# The Certification Process Requires Adjustment

- While ANI supports consistent Federal standards for certification, the proposed rules are unnecessarily burdensome on the one hand and should be re-focused on the other.
- The Commission should align the type of information it proposes to require with other services regulated by the FCC:
  - Ownership information
  - Funding information
  - Information about the facilities that will be used
  - Information describing the services and how they will be provided.

# Certification Process (cont'd)

- The FCC should adopt other rules that will conform its approach to IP-TRS to other FCC regulated services.
  - No exclusive dealings.
  - Fully interoperable technology and equipment.
  - Other evidence of qualifications, including technical competence.
    - Particularly important in light of recent changes to numbering obligations.

# Certification Process (cont'd)

- Parties who object to the certification process should raise a red flag to the Commission.
  - TRS is a service subject to Federal reimbursement with a history of fraud; regulation is appropriate.
  - Sorenson's empty boasts that it complies with FCC regulations are meaningless unless the FCC has the ability to consider Sorenson's qualifications and actions in the certification process.
- Consideration of how service is offered (including exclusivity arrangements, interoperable technology) are all proper subjects of the NPRM.
  - They all relate to an entity's qualification to provide service.
  - The FCC's inquiry should not be limited to facilities, interpreters and equipment, as Sorenson argues.

# Certification Process (cont'd)

- The certification processes unnecessarily punishes current providers that have complied with FCC rules.
- Instead of requiring the submission of what would be a new certification request, existing Federally-certified providers should only be required to provide any updated information at their 5 year re-certification deadline.
- Thereafter, information from existing providers could be kept up to date by:
  - Requiring updated information within 30 days of a material change
  - Annual submissions.

# Substantive Changes

- Prior FCC approval should be required for substantive changes, as it is in other services.
  - Ownership.
  - Funding information.
  - Information about the facilities that will be used.
  - Information describing the services and how they will be provided.

# Service Interruptions

- Proposed rule is unnecessarily overbroad.
- Instead of permission, notification should be provided.
  - Similar to FCC approach for other common carrier outages.
  - Planned – 14 days prior notice.
  - Unplanned – 2 business days notice post-event.

# ANI Waiver Request

- ANI seeks a waiver of the rule which requires provision of incoming and outbound IP addresses.
- Because ANI uses SIP protocol, it is unable to provide those addresses.
- There is no separate benefit to providing both IP addresses and phone numbers under ANI's system.
- While ANI may be able to make changes to its system architecture, there would be no benefit to ANI customers or the FCC's minutes-of-use verification goals.



# ANI Waiver Request (cont'd)

- ANI is mindful that the new rule is not yet in effect.
  - However, a waiver is required for when the rules go into effect.
- The FCC should reject Sorenson's anti-competitive suggestion that the FCC reject ANI's waiver request.
  - ANI is more familiar with its system than Sorenson is.
  - ANI is willing for the Commission to grant it a waiver on a temporary basis, until the issue is further studied by the FCC.